

**Comments
Before the Federal Communications Commission**

**Re: FCC Docket No. 04-73 (corrected)
Regulatory Fees**

The comments submitted herein are from Chris Kidd a broadcaster of many years and a past Commission licensee. Mr. Kidd does not own any broadcast properties at present, however he has pending long and short form applications under Kidd Communications and Eastern Sierra Broadcasting. These applications are for AM broadcast stations and FM translators. Most of the comments regarding the proposed fees will be directed towards FM translators.

Response to Paragraphs 40 & 41, Auxiliary, Special broadcast and Other Program Distribution Services.

We will account here that small business entities own greater than 98 per cent of FM translators. A search of the Commissions database shows that non-profit community groups own more than 90 per cent of FM translators. If there are 3,790 translators and boosters, that leaves only 379 commercial FM translators.

Another search of the Commission's database shows only a handful of FM translators that are owned by either Infinity Broadcasting or Clear Channel Communications. This is less than one per cent of the FM translators that are licensed in the nation. Therefore even with approximate numbers, it is clear that small business, or non-profit community groups own 98 per cent of the FM translators.

Fee Categories

Different Services are unfairly lumped together

Low Power TV, TV and FM Translators and Boosters are all lumped together, yet the type of service and the business opportunity could not be more different. Let's look at each service separately:

1. Low Power TV – This is a television service that may originate programming 24-hours per day and is free to run commercials with no restrictions whatsoever.
2. TV Translators are different from Low Power TV in that they are limited to 30-seconds of program origination or 30-seconds of commercials per hour. On the surface one might say that TV translators are equal to FM

Translators, however there are two distinct differences. The most major difference is that a TV translator has no restrictions on the area it may broadcast in relation to its parent TV station. In other words a TV translator may broadcast outside of the Grade B Contour of the TV station without restriction. Furthermore a TV translator licensee may accept any type of compensation the parent TV station is willing to pay. In addition a TV station may own and rebroadcast on a TV translator outside its Grade B Contour. The last two examples are prohibited for FM translators. Also a TV translator may convert to a Low Power TV license by way of a letter. There is no provision for an FM translator to alter its license like a TV translator.

3. TV and FM Boosters rebroadcast only within a station protected contour and are always owned by the licensee of the primary station. Boosters are utilized in areas where there is terrain shielding. The authorized ERP of an FM Booster may be as high as 20 per cent of its main station's power. In some cases the authorized power is 20,000 watts ERP. The highest authorized power for an FM translator is 250 watts ERP.

4. FM translators have a high degree of business and programming restriction on them as well as an ERP restriction. An FM translator is limited to 30-seconds of program origination per hour regardless if said programming is commercial or weather related. Its parent station may not compensate a Commercial FM translator licensee (if outside its protected contour) with any discretionary monies. A TV translator is free to be compensated. An FM translator has no upgrade provision like a TV translator. An FM translator is limited to 250-watts ERP, not 20,000 watts like an FM Booster.

Therefore in order to make the fees fair and equitable there should be a relationship between the between the business and programming opportunity provided and the authorized ERP that is available.

Chris Kidd hereby proposes that the regulatory fees be categorized as follows:

Low Power TV, TV Translators and TV and FM Booster as one category.

FM Translators as a unique category by itself.

Low Power TV, TV Translators and TV and FM Boosters should have a regulatory fee of around \$ 400.00.

FM Translators should have a regulatory fee of around \$ 50.00.

**PARAGRAPH ONE AND TWO – Need for, and Objectives of the,
Proposed Rules:**

Paragraph two stated that the Commission's objective is to collect \$ 272,958,000. When adjusting the fees of FM translators, please keep in mind the large number of non-commercial FM translators. The impact of lowering the FM translator fee is substantially less when you consider that licensed commercial FM translators may only account for a few hundred FM translator stations. The FCC web site does not break down commercial and non-commercial FM translators. However as of April 16, 2004 a search of the Commission's web site breaks down the following licensed services we have been discussing in this document. Here are the breakdowns:

Licensed FM Boosters – 296

Licensed FM Translators – 3,623 (greater than 90 per cent are non-commercial and they do not pay fees).

Licensed TV Translators or LPTV Stations – 6,857

Licensed Class A LPTV Stations – 610

Licensed TV Boosters – 12

In summary for fairness and equity the Commission should adjust the FM translator regulatory fee downward as discussed above. In addition FM translators have a unique very restricted service and should have a separate category of their own.

Respectfully Submitted,

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